



The Impact of Privacy on the Public Sector

Findings and analysis from Exonar's Freedom of Information requests to discover the volume and costs of Subject Access Requests to public sector organisations.

July 2018

One of the key changes that has arrived with the introduction of the General Data Protection Regulation (GDPR) is that organisations have to deal with Subject Access Requests (SARs) free of charge.

SARs themselves are nothing new. They were created under section 7 of the 1998 Data Protection Act (DPA) to give individuals access to the personal data that organisations may hold about them. But organisations had been able to charge individuals a fee to complete the request, usually a maximum of £10.

However, very few people know what a SAR is. In fact, in an Exonar survey of the British public last year only 12.7% of respondents answered that they understood what a SAR is.

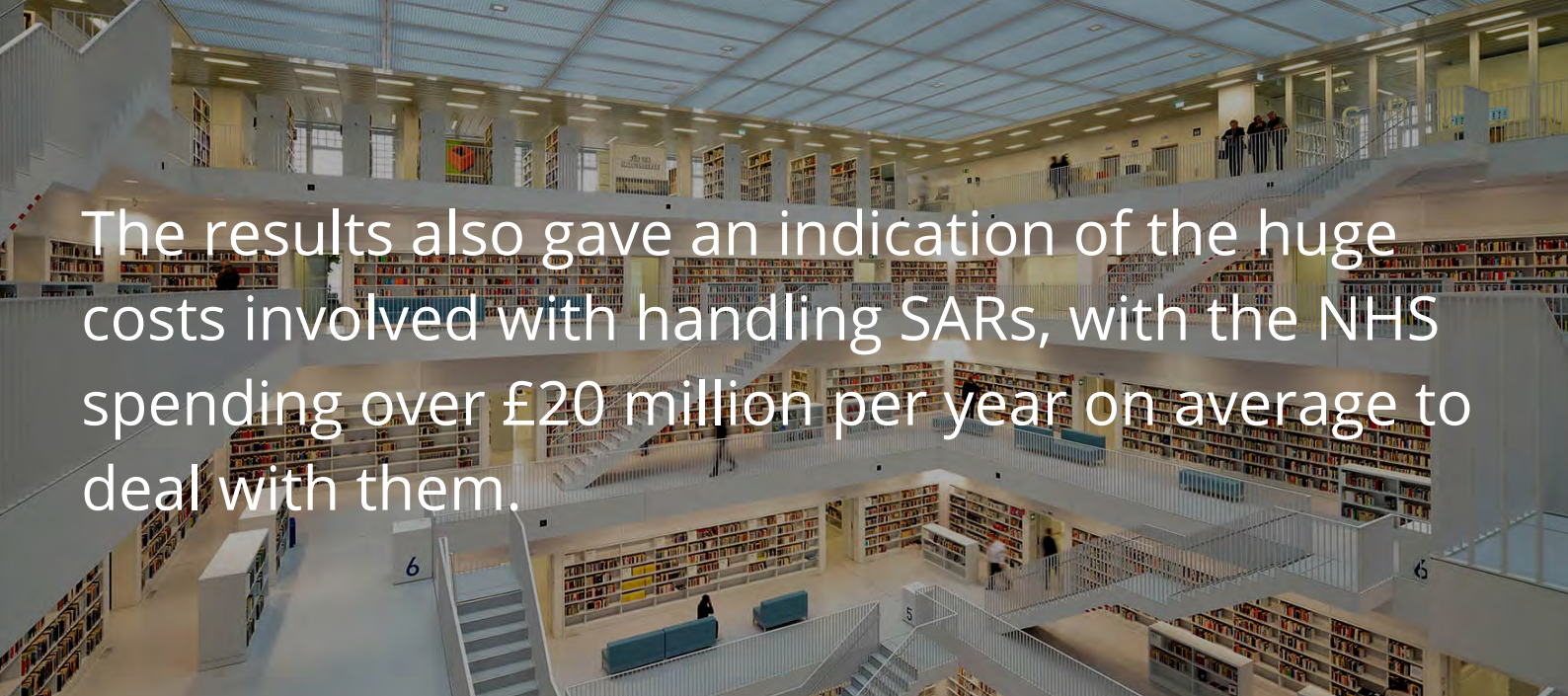
The GDPR has changed this. Its launch in May 2018 marked the first update to UK data protection laws for almost 20 years. It serves as a vital update after advances in technology since the DPA have led to personal data being used in ways that could not be predicted when the previous regulations were set.

Crucially, in the majority of cases, the **GDPR has abolished any fees that organisations had been able to charge to complete SARs**. The timescale to respond has also been reduced, from 40 days to one month, and higher fines will be levelled at any organisation that fails to comply.

To understand the impact that the GDPR will have on SAR requests and costs, Exonar submitted Freedom of Information (FOI) requests to public sector organisations to find out more about the requests they currently receive and how they deal with them.

The results from a total of 458 organisations including the NHS (206 respondents), central government (61), local government (125) and the emergency services (66), found that a total of 209,023 SARs were received during 2016 alone.

The figures were dominated by the NHS, which received 161,692 requests in 2016. On the other hand, the emergency services received the fewest requests at 13,177.



The results also gave an indication of the huge costs involved with handling SARs, with the NHS spending over £20 million per year on average to deal with them.

This issue will likely be compounded as not only will organisations be unable to charge a fee in most cases, but it is also expected that the numbers will increase significantly as public awareness grows.

In Exonar's 2017 consumer privacy survey, nearly 70% of more than 1000 UK adults surveyed did not know what the GDPR or a SAR is. But once the terms were explained, **57% of those surveyed said they would want to submit a SAR**. This number looks set to increase as the ICO's awareness campaign on GDPR starts to gain traction.

The results provide a stark warning to public sector organisations and others that they must have effective plans in place to discover, categorise and secure data. Failure to do so will restrict the ability to comply with the expected increase in requests, potentially leading to hefty fines of up to 4% of global turnover.

But the future is not completely bleak. New technology including Big Data and Machine Learning can make data identification and file redaction a quick simple process, providing a platform to efficiently deal with SARs.

As this report will show, **going digital should be at the heart of any GDPR strategy** - in particular the use of systems that employ artificial intelligence and machine learning. These technologies can be used to find, retrieve and categorise data, including data that may be in forgotten systems, speeding up the process from weeks and days to seconds. As well as the efficiency gains, technology can help everyone in a business to follow best practice and avoid the pitfalls of failing to deal with SARs fully or within the allotted time.

Adrian Barrett, CEO, Exonar

The GDPR applied in the UK from **25th May 2018**

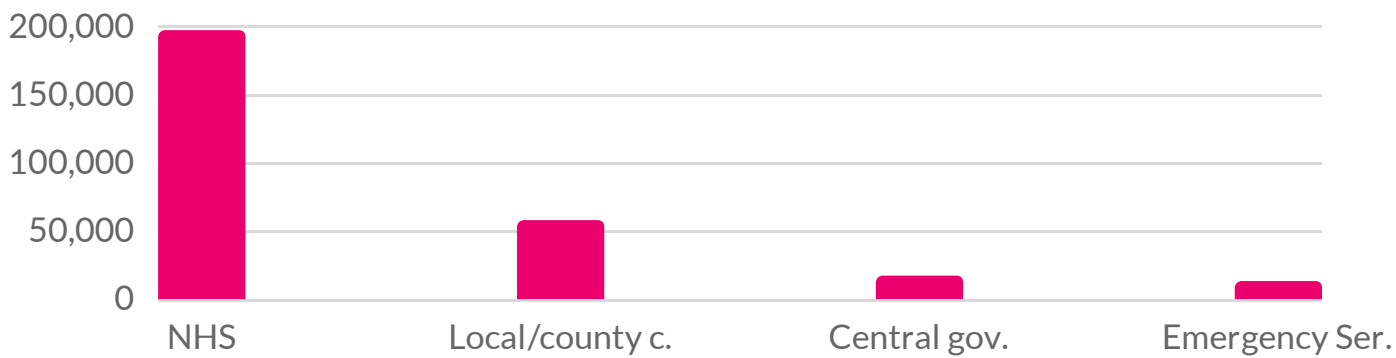


SARs and their impact

Picture shows a real SAR response

Exonar’s FOI requests asked a total of 458 organisations from the NHS, central government, local government and the emergency services about the number of SARs received during 2014, 2015 and 2016, as well as the costs involved in dealing with them.

No. SAR requests 2016



The average cost to a public sector organisation to complete a SAR was £145.46. If we multiply the average cost to complete a SAR with the number of SARs received by the public sector research respondents in 2016 (209,023) the total cost to them was £30.4 million.



If we applied the average cost per SAR to the over 30 million expected requests that will be made to UK organisations post-GDPR according to our research in 2017, then the total additional cost to UK businesses will be in the region of **£4.5 billion**.

NHS pays the price

By receiving by far the highest number of SARs, the NHS also paid the heaviest price to process them.

With average costs to process a request multiplied by the estimated number of SARs received (on average more than 800 a year) by 241 NHS Trusts, **the cost to the NHS was an eye-watering £20.6m per year.**

However, many of the individual NHS Trusts did not hold or found it difficult to calculate the costs of processing SARs, with some instead highlighting the potential costs involved in the process.

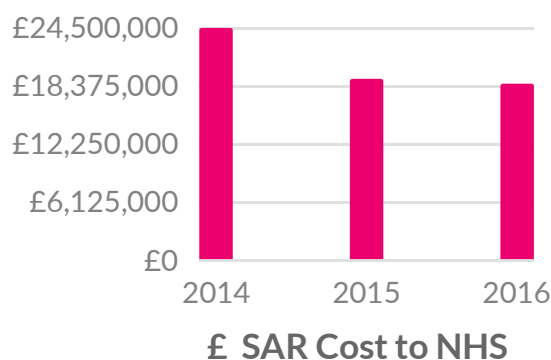
For example, Calderdale and Huddersfield NHS Foundation Trust estimated that the cost would include 3 WTE band 2 staff (approx. £16,500 pa), plus costs such as discs (annual cost of £1,044), envelopes (annual cost of £40) and postage costs (£1.48 per patient).

The Trust added that this would be a minimum cost and there are other costs that “cannot be quantified”, such as involvement of management, clinicians, physio and health visitors, finance and even X-ray costs.

In another example Cambridgeshire and Peterborough NHS Foundation Trust said each request cost an **average of £1,630 to process** in 2016.

£20m

Estimated cost to the NHS per year





Local government under pressure

Although a distant second to the NHS, local government organisations need to be wary of any increases in SAR requests.

The number of requests received by local government grew from 15,173 in 2014 to 17,274 in 2016. This means that the 125 local government bodies included in our analysis received an average of 138 SARs each during 2016.

If that average was applied to all 418 local government bodies in the UK, the total number of SARs received in 2016 could be estimated at over 57,000.

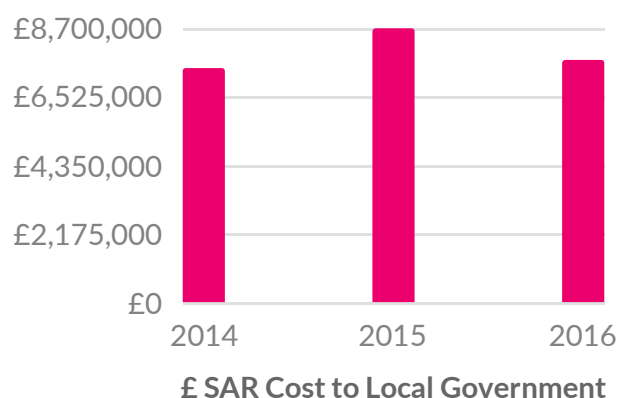
Average costs per SAR reported by the individual bodies were as high as **£596 per SAR** by Wokingham Borough Council in 2016.

When average costs to complete a SAR multiplied by the estimated number of SARs received by all 418 local government bodies in the UK, the combined cost was £7.9m per year.

Many local government bodies did not hold the information needed to report on average costs, while at least five cited section 12(1) of the Freedom of Information Act, which “does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”

£7.9m

Estimated cost to
Local Government
per year



Response speed

Under the terms of the GDPR, organisations now have 25% less time to complete a SAR request as the response time decreases to just one month.



The FOI research conducted gleaned some insight into the response time of the public sector organisations. Under the terms of the Freedom of Information Act, **requests must be completed within 20 working days**.

The response time found as a result of conducting the research demonstrates the difficulty that many organisations have in responding to requests, with the average time taken to complete a request across all sectors standing at 24 days.

Average FOI response time (days)





The Emergency Services were able to process FOI requests quickest, at 21 days on average. The NHS was the slowest, taking an average of 27 days to complete a request. Central government took an average of 22 days, and local government 23.

Among the **quickest** to provide data were Northumberland County Council and Herefordshire Council with **just one day** between a request being sent and answers being provided.

At the other end of the scale the **slowest** respondent was a Council that took **159 days** to complete their FOI request, and a District Council took 110 days.



This variance in response time is an indicator that in the main, NHS Trusts and public organisations find resourcing requests cumbersome and time consuming and they are unlikely to be able to meet the one month SAR deadline. They are likely to be greatly exposed when GDPR comes into force.

It further underlines that technology is an essential part of data management and security. With such huge sums of citizen data spread across wide networks of applications its vital organisations have a way to find information and categorise it quickly, and can ensure the most sensitive information is safe.

It's clear that the burden to the public purse will be high if this is not addressed.

The environmental impact

Following its research into SAR preparedness in 2017, Exonar launched the Plant a Tree for Privacy campaign in order to offset the environmental impact of producing paper-based SARs.

Although the FOI request did not ascertain whether or not each organisation produced SARs on paper, Exonar is aware of the staggering amount of paper completed SARs can use. When an Exonar employee submitted a SAR to their bank they received eight reams of paper.

Exonar estimates that if a SAR request used only one ream of paper, it would use 6% of a tree per request and produce approx. 4.3kg of Co2 emissions from the production of paper, print and delivery. Exonar's SAR preparedness research established that 57% of UK adults (approximately 50m) would make a SAR resulting in 122,550 metric tons of Co2 emissions.

122,550 metric tons Co2 =



300m
car miles



134m pounds
of coal burned



13k homes' power
for a year

Organisations can provide the personal data they hold on individuals in digital form, and 92% of the British Public told Exonar in 2017 that is how they would prefer to receive it.

However, many organisations aren't geared up to support this and the financial impact combined with the cost to the environment to produce the paper and ship it securely is staggering.

To help offset the impact, Exonar is encouraging organisations to consider moving towards a digital process and to plant a tree or make a donation to the Woodland Trust for every SAR that is produced in paper while they migrate to digital.

Find out more about the #plantatreeforprivacy campaign.



Find & Fix Your Data

Understand & manage information instantly, simply, at scale.

Total personal data:

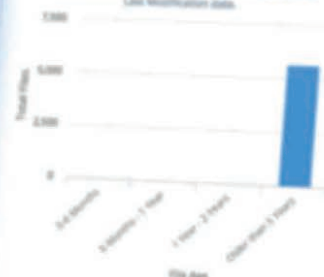
2.04 GB

Total files:

7,774

Files by Last Modification Age

Not all files will be shown here, only those with a valid Last Modification Date.



Personal Data by Data Source



Exonar solves a problem common to all organisations and their information owners, "I just don't know what I've got".

Plug Exonar into your network to instantly discover:

Confidential documents | Duplicate files | Employment contracts | Encryption keys | Personal data | Passwords ... whatever you need to find.

Achieve successful:

Compliance with regulations such as GDPR | Right of access request processing | Information security & governance | Risk management | Document retention | Cloud migration and governance.

Connect to a range of data sources:

Windows | SharePoint | Exchange | Office 365 | OneDrive
Databases and business systems.

Connecting Exonar to your network is simple and our dashboards are easy to use. Once installed, our crawlers will begin to index your data and deliver results on the same day.

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